



(3)

Docket Number 4-31192B/N1/GTI

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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April 20, 2001
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1645

PIPPIG ET AL.

APPLICATION NO: 09/715,249

FILED: NOVEMBER 17, 2000

FOR: SELECTABLE CELL SURFACE MARKER GENES

Attention: Box Missing Parts

Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS AND PETITION

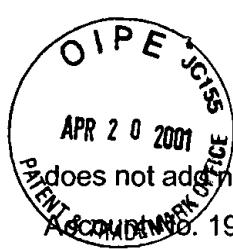
Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated February 22, 2001 (a copy of which is enclosed) has a shortened statutory time set to expire on April 22, 2001.

In response, applicants now submit an original fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis Corporation.

The Notice to File Missing Parts stated that page 41 of the specification appeared to be omitted from the application. Page 41 of the application was not omitted. It was included in the original filing, but it was not numbered. It was the first page of the Sequence Listing. Applicants hereby submit a copy of pages 40, 41, and 42 from their file copy of the application and submit a copy of the stamped postcard receipt for the application from the PTO. These documents show that page 41 was included in the original filed application. Applicants further submit a Preliminary Amendment substituting a numbered page 41 for the unnumbered page 41.

Applicants hereby petition the Commissioner to recognize the original filing date as the filing date for the first page of the Sequence Listing (page 41) and to accept the substitute, numbered page 41 as an amendment to the specification that corrects an obvious typographical error and



does not add new matter. Please charge the \$130.00 petition fee under 37 CFR §1.17(i) to Deposit Account No. 19-0134 in the name of Novartis Corporation.

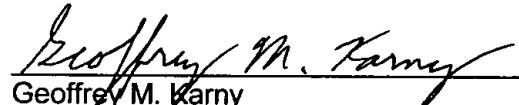
The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis Corporation. A duplicate copy of this letter is provided for charging purposes.

Applicants believe this paper is being filed before the expiration of the time for response to the Notice. If an extension of time is necessary to maintain the pendency of this application, please consider this to be a request for such extension of time pursuant to 37 CFR §1.136(a). The Commissioner is hereby authorized to charge any required fee to Deposit Account No. 19-0134.

Respectfully submitted,

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027

Date: April 20, 2001


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